

## REMARKS/ARGUMENTS

The Office Action of November 27, 2007 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1, 3-9, 11-17, and 19-28 are pending in this application.

### ***Rejections Under 35 U.S.C. § 102***

Claims 1, 9, 17, 21-23, 25, and 28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,559,548 to Davis, et al. (“Davis”). Applicants respectfully traverse this rejection.

Claim 1 recites, among other features, “...determining at least two meaningful words in a program title; determining a less descriptive word from the at least two meaningful words *based on a frequency that each of the at least two meaningful words appear in a database...*” (Emphasis added).

The Office Action alleges that Davis (col. 18, lines 35-45) discloses the above recited feature of claim 1. Applicants respectfully disagree. Notably, and contrary to the assertions of the Office Action, the cited portion of Davis does not describe determining a less descriptive word from the at least two meaningful words *based on a frequency that each of the at least two meaningful words appear in a database* as recited in claim 1. In contrast, the portion of Davis upon which the Action relies merely relates to shortening a program title by querying an editor or by comparing the program title with shortened titles stored in a library to determine if the program title has previously been shortened. In other words, the cited portion of Davis, merely describes determining words for use in shortening of a title, based on comparing the title to be shortened with a library of shortened titles. Thus, Davis does not evaluate the frequency that a word appears in a database; rather, Davis merely determines whether a title has been shortened in the past using a shortened titles database.

In addition, the Action contends that, per the relied on portion of Davis (col. 18, lines 35-45), “[a] word that appears in the shortened title has a greater frequency than one that does not, and will thus be used in the edited version.” (Office Action: page 4). On the contrary, however, there is no teaching or suggestion in Davis that a *descriptiveness* of a word is determined based on the frequency of the word in a database as compared to another word. In fact, beyond

describing querying an editor and determining whether the title has been shortened before, Davis does not describe how a title is shortened (i.e., how words are selected for removal from a shortened title). The Office Action asserts that it is interpreting FIGS. 10a, 11a and 11b and col. 18, ll. 35-54 and col. 19, ll. 38-43 as determining a less descriptive word from at least two meaningful words based on a frequency that each of the at least two meaningful words appear in a database. Applicants respectfully submit that such an interpretation is unsupported by Davis. While the cited passages and figures of Davis show a shortening of a title, Davis still does not teach or suggest that words such as the word “TODAY” is removed from the title based on a determination of descriptiveness. The Office Action is impermissibly “interpreting” the prior art using Applicants’ invention as a blueprint.

Therefore, claim 1 is patentable over Davis, and claims 21-23, 25 and 28, which depend from claim 1, are patentably distinct from Davis for at least the same reasons as their ultimate base claim and further in view of additional advantageous features recited therein.

Amended independent claims 9 and 17 recite features similar to those recited in claim 1 and thus are allowable for substantially the same reasons as claim 1.

### ***Rejections Under 35 U.S.C. § 103***

Claims 3-5, 8, 11-13, 16, 19-20 stand rejected 35 U.S.C. § 103(a) as being unpatentable over Davis in view of U.S. Patent No. 6,279,018 to Kudrolli, et al. (“Kudrolli”). Claims 6 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Davis in view of U.S. Patent No. 6,981,217 to Knauft et al. (“Knauft”). Claims 7 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Davis in view of Kudrolli and in further view of U.S. Patent No. 6,374,225 to Hejna, Jr. (“Hejna”). Claims 24, 26, and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Davis in view of U.S. Patent No. 6,169,543 to Wehmeyer (“Wehmeyer”). Applicants respectfully traverse these rejections.

Notwithstanding the propriety of combining Davis and Kudrolli, Kudrolli fails to remedy the deficiencies described above with respect to claims 1, 9 and 17, upon which claims 3-5, 8, 11-13, 16 and 19-20 respectively depend. At best, Kudrolli describes replacement of less commonly used phrases and words. See for example col. 7, lines 45 - 46. Nonetheless, Kudrolli

does not teach or suggest determining a less descriptive word based on the frequency of the word in a database. That is, while Kudrolli discloses determining the commonality of the word, Kudrolli fails to teach or suggest determining a descriptiveness of a word based on the frequency with which the word exists in a database. As such, the combination of Davis and Kudrolli does not result in the invention of claims 3-5 and 8, which depend from claim 1, claims 11-13 and 16, which depend from claim 17, and claims 19-20, which depend from claim 17. Claims 3-5, 8, 11-13, 16, and 19-20 are thus allowable for at least the same reasons as their respective base claims, and further in view of the other novel and non-obvious features recited therein.

Even assuming, without admitting, that the combination of Davis and Knauft is proper, Knauft fails to remedy the deficiencies of Davis described above with respect to claims 1 and 9 (from which claims 6 and 14 depend, respectively). Therefore, claims 6 and 14 are patentably distinct from the combination of Davis and Knauft for at least the same reasons as claims 1 and 9, respectively, and further in view of the novel and non-obvious features recited therein.

Even assuming, without admitting, that the combination of Davis, Kudrolli and Hejna is proper, Kudrolli and Hejna, alone or in combination, fail to remedy the deficiencies of Davis described above with respect to Applicants' claims 1 and 9 (from which claims 7 and 15 depend, respectively). Therefore, claims 7 and 15 are patentably distinct from the combination of Davis, Kudrolli and Hejna for at least the same reasons as claims 1 and 9, respectively, and further in view of the novel and non-obvious features recited therein.

Even assuming, without admitting, that the combination of Davis and Wehmeyer is proper, Wehmeyer fails to remedy the deficiencies of Davis described above with respect to claim 17. Therefore, claims 24, 26, and 27 are patentably distinct from the combination of Davis and Wehmeyer for at least the same reasons as claim 17, and further in view of the novel and non-obvious features recited therein.

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**CONCLUSION**

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

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